

AUSTIN CITY COUNCIL
AGENDA



Thursday, July 27, 2006

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**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 139

Subject: C14-06-0105 - Dream Cars - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9577 U.S. Highway 290 East (Decker Creek Watershed) from development reserve (DR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant and Agent: Scott Elder. City Staff: Robert Heil, 974-2330.

**Additional Backup
Material**

(click to open)

- [Staff Report](#)
- [Ordinance](#)

For More Information:

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0105

Z.AP. DATE: June 20, 2006

ADDRESS: 9577 Highway 290 East

OWNER/AGENT: Scott Elder

ZONING REQUEST: From DR to CS-CO

AREA: 1.060 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends community commercial– conditional overlay (GR-CO) combing district zoning for the tract. The conditional overlay would establish a limit of 2,000 total vehicle trips per day, and prohibit exterminating services and pawn shop services.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

June 20, 2006: *APPROVED STAFF'S RECOMMENDATION FOR GR-CO ZONING, PROHIBITING PAWNSHOPS & EXTERMINATING SERVICES; BY CONSENT. [J.MARTINEZ, M.HAWTHORNE 2ND] (7-0) S.HALE, J.GOHIL – ABSENT*

DEPARTMENT COMMENTS:

This is a roughly one acre site along US Highway 290 East just east of Johnny Morris Road. The property is currently zoned development reserve (DR) and is the site of a used car dealership. Only a portion of the site is inside the City of Austin, roughly half of the site is in the county and unzoned.

The request is for general commercial services – conditional overlay (CS-CO) combining district zoning. The conditional overlay would limit the site to no more than 2000 daily vehicle trips.

Staff recommends community commercial– conditional overlay (GR-CO) combing district zoning for the tract. The conditional overlay would establish a limit of 2,000 total vehicle trips per day, and prohibit exterminating services and pawn shop services.

The surrounding zoning is a mix of DR, left over from annexation and CS. In some cases the CS has a conditional overlay to limit the size of development (through a vehicle trip limit) and prohibiting some use.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Car Sales
<i>North</i>	CS-CO and CS	Auto Sales and other commercial uses
<i>South</i>	Unzoned (county)	Undeveloped
<i>East</i>	DR	Scaffolding supply company
<i>West</i>	CS-CO	Mobile homes sales and construction

AREA STUDY: The property lies in the proposed LBJ neighborhood plan area. No beginning date for this plan has been scheduled.

TIA: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

WATERSHED: Decker Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- LBJ Neighborhood Association
- NorthEast Action Group
- Taking Action Inc
- Austin Neighborhoods Council
- Austin Independent School District

SCHOOLS: (AISD)

- Jordan Elementary School
- Dobie Middle School
- LBJ High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Highway 290	Varies	Varies	Major Arterial	Yes	Yes	No

C14-06-0105

CITY COUNCIL DATE: ACTION:

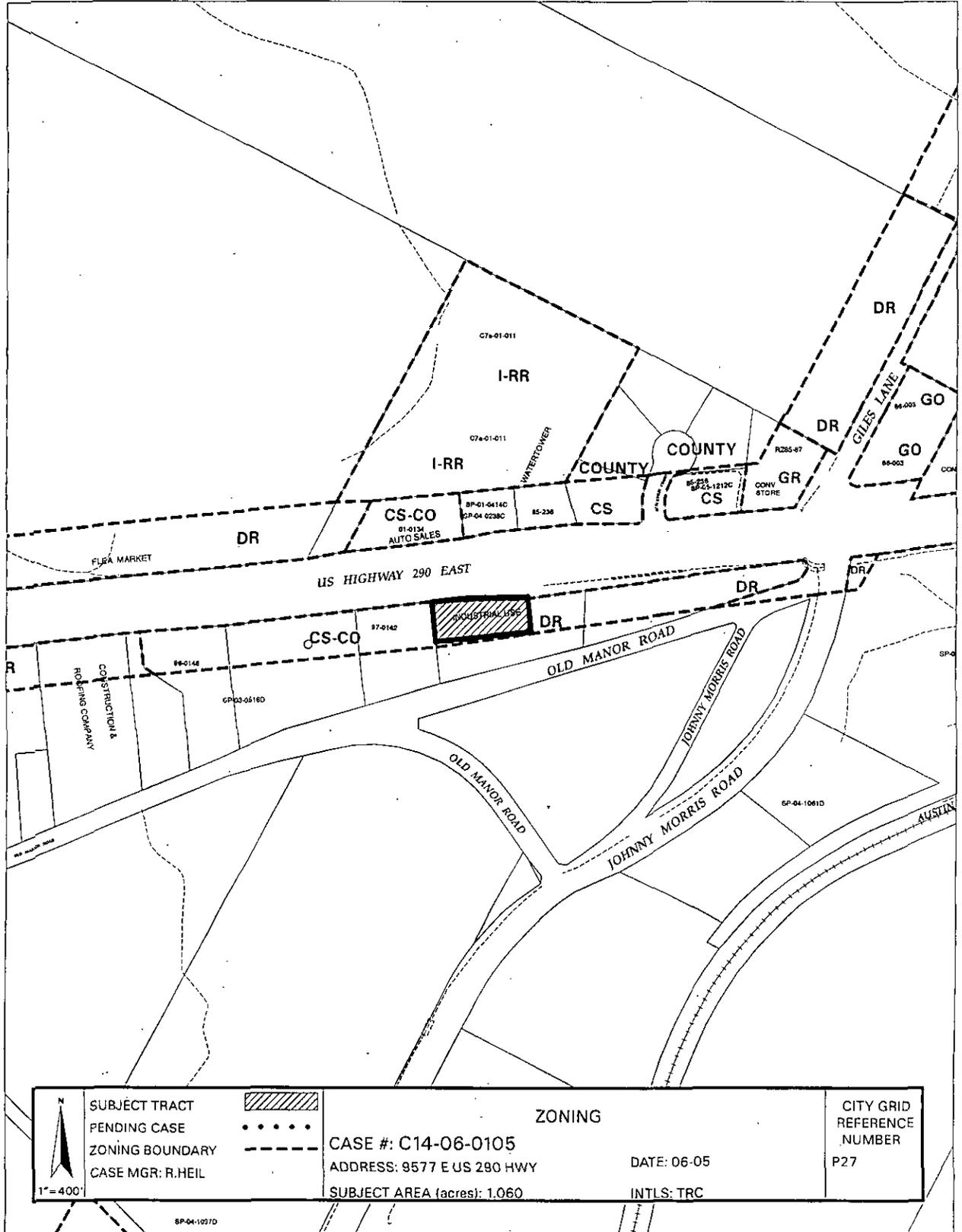
July 27, 2006:

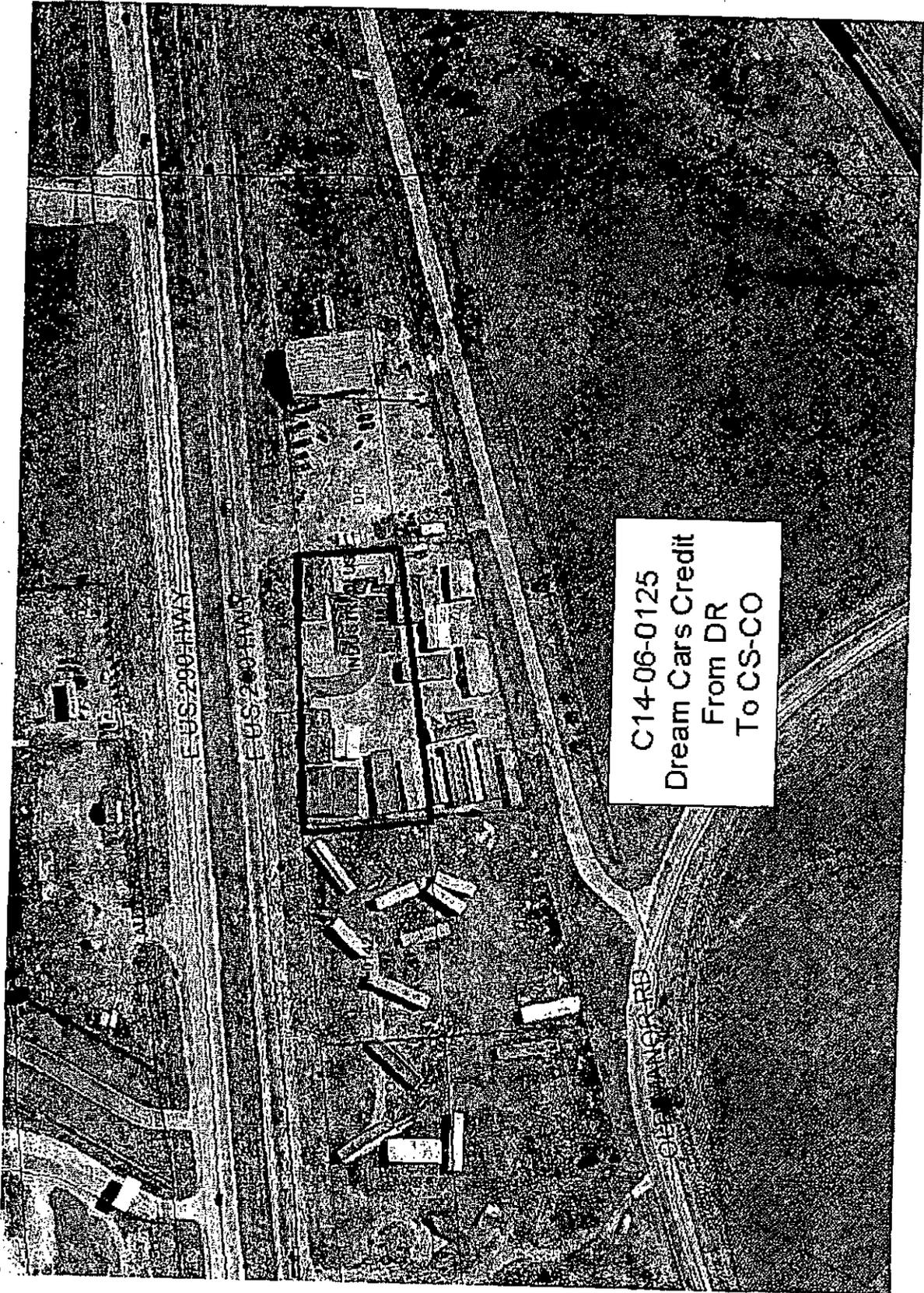
ORDINANCE READINGS: 1st: 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330





C14-06-0125
Dream Cars Credit
From DR
To CS-CO

SUMMARY STAFF RECOMMENDATION

Staff recommends community commercial– conditional overlay (GR-CO) combing district zoning for the tract. The conditional overlay would establish a limit of 2,000 total vehicle trips per day, and prohibit exterminating services and pawn shop services.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Community Commercial (GR) is appropriate for a major arterial such as US highway 290. The surrounding property, is largely zoned for CS uses, unzoned or zoned with DR left over from annexation.

EXISTING CONDITIONS

Site Characteristics

This is a roughly one acre site along US Highway 290 East just east of Johnny Morris Road. The property is currently zoned development reserve (DR) and is the site of an auto sales business. Only a portion of the site is inside the City of Austin, roughly half of the site is in the county and unzoned.

The request is for general commercial services – conditional overlay (CS-CO) combining district zoning. The conditional overlay would limit the site to no more than 2000 daily vehicle trips.

Staff recommends community commercial– conditional overlay (GR-CO) combing district zoning for the tract. The conditional overlay would establish a limit of 2,000 total vehicle trips per day, and prohibit exterminating services and pawn shop services.

The surrounding zoning is a mix of DR, left over from annexation and CS. In some cases the CS has a conditional overlay to limit the size of development (through a vehicle trip limit) and prohibiting some use.

Related Cases

Case	Address	Action	Date	Notes
C14-01-0134	9530 US Hwy 290 East	Approved CS-CO	01/09/2003	Several uses prohibited, but auto-related uses are allowed
C14-97-0142	9519 US Hwy 290 East	Approved CS-CO	2/26/1998	Auto related uses, adult-oriented business, restaurants, pawn shops, campgrounds, and recycling centers are prohibited

Notably, in 1997 automobile sales and repair services were prohibited on an adjacent property “to protect the corridor aesthetically from additional encroachment of unattractive uses”. In 2001, several land uses were prohibited from property on the other side of US Hwy 290 East, but automotive related uses were still permitted.

Environmental

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Decker Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
 - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

(Betty Lambright 974-2696)

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for US Highway 290. If the requested zoning is granted, then 200 feet of right-of-

way reserved from the future centerline of US 290 in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

The trip generation under the requested zoning is estimated to be 6,449 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Highway 290	Varies	Varies	Major Arterial	Yes	Yes	No

(Emily Barron 974-2788)

Water and Wastewater

WW.1 The owner intends to serve the property with a well and on-site septic system. The owner must supply the City of Austin written documentation that the property has approved provisions for water service and waster water disposal based on the land use

(Paul Urbanek 974-3017)

Site Plan

SP 1. There are no site plan issues with this proposed rezoning.

(Lynda Courtney 974-2810)

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 9577 U.S. HIGHWAY 290 EAST FROM
3 DEVELOPMENT RESERVE (DR) DISTRICT TO COMMUNITY
4 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.
5

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
7

8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from development reserve (DR) district to community commercial-
10 conditional overlay (GR-CO) combining district on the property described in Zoning Case
11 No. C14-06-0105, on file at the Neighborhood Planning and Zoning Department, as
12 follows:
13

14 A 1.06 acre tract of land, more or less, out of the Lucas Munos Survey No. 55,
15 Travis County, the tract of land being more particularly described by metes and
16 bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

17 locally known as 9577 U.S. Highway 290 East, in the City of Austin, Travis County,
18 Texas, and generally identified in the map attached as Exhibit "B".
19
20

21 **PART 2.** The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:
23

- 24 1. A site plan or building permit for the Property may not be approved, released, or
25 issued, if the completed development or uses of the Property, considered cumulatively
26 with all existing or previously authorized development and uses, generate traffic that
27 exceeds 2,000 trips per day.
28
- 29 2. Pawn shop services use and exterminating services use are prohibited uses of the
30 Property.
31

32 Except as specifically restricted under this ordinance, the Property may be developed and
33 used in accordance with the regulations established for the community commercial (GR)
34 base district and other applicable requirements of the City Code.
35

1 PART 3. This ordinance takes effect on _____, 2006.
2
3

4 **PASSED AND APPROVED**
5

6 _____, 2006

§
§
§

7
8
9 Will Wynn
10 Mayor

11
12
13 **APPROVED:**

14 David Allan Smith
15 City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

FIELD NOTES DESCRIBING 1.06 ACRES OF LAND, IN THE CITY OF AUSTIN, OUT OF THE LUCAS MUNOS SURVEY NUMBER 55, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN 2.025 ACRE TRACT DESCRIBED BY INSTRUMENT RECORDED IN DOCUMENT NUMBER 2002020809, OFFICIAL PUBLIC RECORDS, SAID COUNTY, SAID 1.06 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the southerly right-of-way line of U S Highway Number 290, at the northeast corner of that certain Raschke 6.121 acre tract described by instrument recorded in Document Number 201208325, Official Public Records, said county, same being the northwest corner of said 2.025 acre tract, for the northwest corner hereof;

THENCE along said right-of-way line and the northerly line of said 2.025 acre tract, the following 3 courses

1. North 87 degrees 42 minutes 01 seconds East, 136.02 feet to a concrete monument found,
2. South 86 degrees 42 minutes 24 seconds East, 200.79 feet to a concrete monument found,
3. North 87 degrees 41 minutes 05 seconds East, 8.41 feet to an iron rod set at the northwest corner of that certain 1.985 acre tract described by instrument recorded in Document Number 1999080927, Official Public Records, said county, same being the northeast corner of said 2.025 acre tract, for the northeast corner hereof;

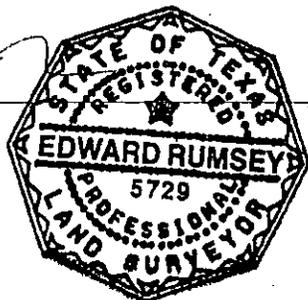
THENCE South 02 degrees 16 minutes 38 seconds East, along the common line of said 1.985 acre tract and said 2.025 acre tract, 121.50 feet to a point in said line, in the approximate southerly city limit line of the City of Austin, for the southeast corner hereof;

THENCE South 87 degrees 52 minutes 40 seconds West, through said 2.025 acre tract, 344.76 feet to a point in the easterly line of the aforementioned 6.121 acre tract, same being the westerly line of said 2.025 acre tract, for the southwest corner hereof;

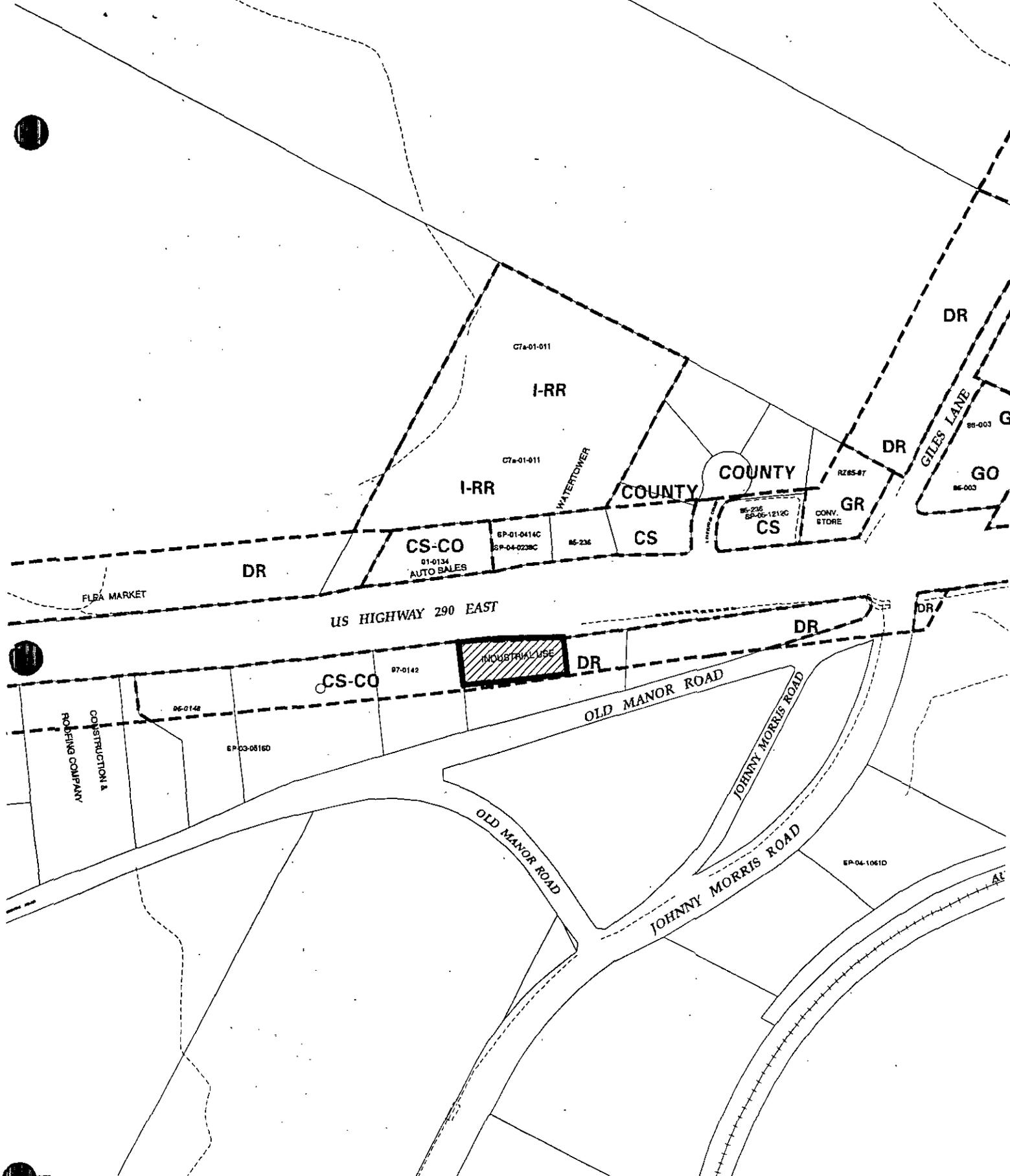
THENCE North 02 degrees 04 minutes 49 seconds West, along the common line of said 6.121 acre tract and said 2.025 acre tract, 140.00 feet to the POINT OF BEGINNING and containing 1.06 acres of land, more or less.

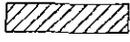
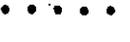
THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.


Edward Rumsey
TX R.P.L.S #5729
Job # A0107406B



1-20-06
Date



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT B	CITY GRID REFERENCE NUMBER P27
	PENDING CASE 		
	ZONING BOUNDARY 		
	CASE MGR: R.HEIL		
CASE #: C14-06-0105		DATE: 06-05	
ADDRESS: 9577 E US 290 HWY		INTLS: TRC	
SUBJECT AREA (acres): 1.060			